

REMARKS

In the Office Action mailed December 17, 2003, claims 1-21 are pending in the application. The Applicants respectfully request reconsideration of claims 1-21.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. No. 2002/0191388 to Matveev, in view of Bleiner, U.S. Patent No. 5,923,243, and in further view of Jiang, U.S. Patent No. 6,603,507.

Regarding claims 1, 7, 15, and 18, according to the Office Action, Matveev discloses that a pulsed road illuminating source of light 101 is used as a headlight of a vehicle and its radiation 110 is directed towards a direction of a vehicle movement to illuminate the road. Also according to the Office Action, Matveev discloses the use of an additional generator, triggering an electromagnetic pulse with electromagnetic frequency of its radiation different in comparison with the road illuminating pulse. The Office Action alleges a trigger 102 is used to provide synchronizing pulses to activate the road illuminator 101 and the gate of image detector 107. The Office Action further alleges Matveev discloses that the system for pulses synchronization 303 is used to send (for example 400 ns earlier) a pulse to the generator of triggering pulses 302 and also to acquire the triggering pulses from photon or RF signal detector 310 and transfer them to trigger 302. It is unclear to the Applicants the manner in which Matveev, Bleiner, or Jiang may be combined such that claims 1, 7, 15, and 18 would be rendered obvious.

Applicants submit that it would not be obvious to alter or combine the Matveev, Bleiner, or Jiang, references to arrive at the present invention. Neither the

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Matveev, Bleiner, nor Jiang references disclose or suggest a controller that is "programmed to pulse said first light source between pulses of said second light source in response to said timing signal, and modify said first time period as a function of said timing signal," as required by the present claims. Instead, Matveev includes a synchronizing unit 303 which sends out a pulse with a predetermined pulse delay. (page 9, paragraph [0123].) In contrast, the functions of Applicants' controller include an active response to signals received rather than a preset arrangement. The synchronizing unit 303 is substantially different than Applicants' claimed controller. The synchronizing unit 303 is non-adaptive with regard to the pulse delay, and no reason has been given why it should be modified to be adaptive.

Bleiner, also in contrast to claims 1, 7, 15, and 18, implies a controller for adjusting and controlling signals from a host vehicle as perceived by a following vehicle. (column 3, lines 21-66.) Bleiner, however, does not disclose or suggest controlling pulses as a function of a timing signal to pulse a first light source between pulses of said second light source.

Jiang, in further contrast to claims 1, 7, 15, and 18, includes a controller that controls an active-light illuminator and generating a camera control signal to control a camera. (column 4, lines 1-12.) As with Matveev and Bleiner, however, Jiang does not include a controller having logic for controlling pulse interactions, as required by the present claims. Therefore because each and every item of claims 1, 7, 15, and 18 is not included in the aforementioned references, claims 1, 7, 15, and 18 are new and non-obvious.

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Accordingly, the combination of the references would not render obvious claims 1, 7, 15, and 18. Matveev, Bleiner, and Jiang alone or in combination do not disclose or suggest a controller that is "programmed to pulse said first light source between pulses of said second light source in response to said timing signal, and modify said first time period as a function of said timing signal." In other words, Applicants submit that a *prima facie* case of obviousness has not been established as the combination of references fails to disclose the claimed features. Moreover, no reason has been shown why one of ordinary skill in the art would modify the Matveev reference as suggested in the Office Action. Matveev is not pertinent to the problem of offsetting headlamp blinding from oncoming vehicles. Obviousness cannot be established by combining pieces of prior art absent some "teaching, suggestion, or incentive supporting the combination." *In re Geiger*, 815 F.2d 686, 2 U.S.P.Q.2d 1276, 1278 (Fed. Cir. 1987).

Claims 2-6 depend from claim 1, claims 8-14 depend from claim 7, claims 16-17 depend from claim 15, and claims 19-20 depend from claim 18 and are believed to be allowable for at least the aforementioned reasons.

As was mentioned, claims 5, 13, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matveev in view of Bleiner. According to the Office Action, Matveev discloses that the system for pulse synchronization 303 is used to send a pulse to the generator of triggering pulses 302 and also to acquire the triggering pulses from a photon or RF signal detector 310 and transfer them to trigger 302. According to the Office Action, that means the trigger 102 produces two type of pulses: one of them to initiate the illuminator 101 and another one to gate the image intensifier 107 after

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receiving corresponding pulses from the system 303. The Office Action recognizes that Matveev as applied above does not disclose the use of a rearward facing light source, as recited in Claim 12.

The Office Action alleges that Bleiner discloses, in FIGS. 1 and 2, that two cars 1, 2 are traveling behind one another on a road 3 having a driving surface 4; and the leading car has a light source directed rearwardly.

It would not be obvious to modify or combine the Matveev or Bleiner references to arrive at the present invention. Neither the Matveev nor Bleiner references disclose or suggest generating a rearward pulse different than a forward pulse in either wavelength or duration. Matveev does not include a rearward pulse illuminating a region rearward of the vehicle, nor does it suggest modifying a rearward pulse in response to a forward pulse of another vehicle as in claims 5, 13, 20, and 21. Bleiner includes a light source directed behind the vehicle. More importantly, Bleiner does not disclose or suggest a forward pulse and therefore does not disclose or suggest generating a rearward pulse different from the forward pulse. Therefore because each and every item of claims 5, 13, 20, and 21 is not included in the aforementioned references, claims 5, 13, 20, and 21 are new and non-obvious.

Further, even if all the elements of Applicant's invention are disclosed in various prior art references, the claimed invention taken as a whole cannot be said to be obvious without some reason given in the prior art why one of ordinary skill would have been prompted to combine the teachings of the references to arrive at the claimed invention. In other words,

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"The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification."

In re Fritch, 972 F.2d 1260, 1266, 12 USPQ2d 1780, 1783-84 (Fed. Cir. 1992).

(citing *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

It would not have been obvious to one having ordinary skill in the art at the time the invention was made to modify Matveev to include a rear facing illumination source as in Bleiner. Neither reference is pertinent to the problem of synchronizing two vehicles heading in the same direction to avoid blinding from an oncoming vehicle, as are the Applicants. (page 11, paragraph [0030].) Matveev is directed to increasing road visibility while eliminating blinding drivers from oncoming vehicles. (page 10, paragraph [0135].) However, Matveev does not disclose or suggest a solution to the problem of headlamp blinding from oncoming vehicles. Matveev is instead directed towards adding light sources to the vehicle emitting various frequencies such that road illumination may be improved at night.

Bleiner is directed towards a device for emitting signals from a vehicle indicating vehicle type, its operating status, and a safe following distance. (Abstract.) More importantly, however, Bleiner is not directed to synchronizing multiple vehicles to avoid night blinding, as in the present application. No reason has been shown why it would be obvious to selectively combine these references to produce the claimed combination.

The Applicants are not laying claim to technologies already in the prior art

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that have made the automotive industry what it is to date. Instead, the Applicants are generating at least one new solution to a problem including reducing headlamp blinding from oncoming vehicles.

The Applicants believe the application is in condition for allowance and expedient notice thereof is earnestly solicited. If the Examiner has any further questions or comments regarding the application, please contact the undersigned directly.

Please charge any fees required in the filing of this amendment to Deposit Account 50-0476.

Respectfully submitted,

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